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Comments by the Federation of International Civil Servants' Associations

Note by the Secretary-General

The Secretary-General transmits herewith for consideration by the Fifth Committee a document submitted by the Federation of International Civil Servants' Associations (FICSA). This document has been submitted pursuant to the provisions of paragraph 2 (b) of General Assembly resolution 35/213 of 17 December 1980, whereby the Assembly reiterated its readiness to receive and consider fully the views of the staff as set out by a designated representative of FICSA in a document submitted through the Secretary-General.

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Annex

COMMENTS BY THE FEDERATION OF INTERNATIONAL CIVIL SERVANTS' ASSOCIATIONS

1. The Federation of International Civil Servants' Associations (FICSA) is honoured to have the opportunity to present to the Fifth Committee of the General Assembly the views of common system staff on the recommendations of the International Civil Service Commission (ICSC) that are before the Assembly at its forty-ninth session. FICSA also takes this opportunity to place before the Committee issues that were not discussed by the Commission in 1994 and to make requests for action by the Committee to address those issues.

I. RELATIONS WITH THE INTERNATIONAL CIVIL SERVICE COMMISSION

2. In response to General Assembly resolution 48/224 of 23 December 1993, in which the Assembly regretted the continued suspension of participation by FICSA in the work of the ICSC and again urged that the Commission and the Federation work towards the re-starting of the dialogue between them, FICSA attended the thirty-ninth and fortieth sessions of ICSC, held during 1994. The decision to return to the Commission was not without controversy within the membership of the Federation and was inexorably linked to a request by FICSA for the inclusion in the ICSC agenda for 1994 of an item entitled "Review of the methodologies for surveys of best prevailing conditions of employment at headquarters and non-headquarters duty stations". That request was granted.

3. Thus, FICSA participated in the thirty-ninth and fortieth sessions of ICSC in good faith in response both to the appeal of the General Assembly and the assurances of the Chairman of the Commission. The issue of the review of the methodology for General Service salary surveys at headquarters and non-headquarters duty stations was indeed included in the Commission's agenda for its July session. The Commission, however, for reasons known only to itself, chose not to engage in a substantive discussion on this key issue. A similar lack of action was also evident during the discussions at those sessions on Professional salaries. More details on both General Service and Professional salary issues are provided in the paragraphs below. In the present context, it will suffice to state that the Federation's evaluation of its participation in the proceedings of ICSC has been so negative that it has led FICSA to question the very foundation of that institution in the United Nations common system. What is the use of a Commission which by its own rules of procedure allows staff representatives to include items for discussion in the agenda six weeks in advance of a given session and yet refuses to allot time for consideration of the item? Why was its secretariat unable to review the seven-page FICSA document during those six weeks? Why did the Commission wish to perpetuate the flaws in the methodologies by waiting until 1997 or 1998 to review the issue?

4. FICSA member associations/unions have taken stock of the situation and have expressed their disappointment with the process and results of both 1994

sessions of ICSC. A statement of no confidence adopted by the FICSA membership is reproduced below:

"Heads of delegations of FICSA member associations/unions attending an informal meeting in Paris on 26 and 27 September 1994 declared their complete loss of confidence in the integrity of the International Civil Service Commission (ICSC) and roundly condemned the Commission's refusal to engage in meaningful consultation with staff representatives.

"In response to an appeal from the General Assembly (resolution 48/224), FICSA had attended both 1994 sessions of ICSC, but its efforts to re-establish meaningful dialogue were treated with contempt.

"Consequently, the meeting recommended that the Executive Committee take the following immediate steps in the months leading up to the forty-eighth FICSA Council:

"(a) Pursue a policy of non-cooperation with ICSC and its affiliate bodies;

"(b) Set up a task force to draw up proposals for alternative mechanisms for the full and equal participation of staff in all negotiations concerning terms and conditions of service. This task force could include other bodies representing staff, administrations and Member States;

"(c) Mobilize support within the common system, using all means available, including legal action and an intensified programme of information and dialogue with Member States;

"(d) Strengthen relationships with other staff representative bodies in order to achieve, as far as possible, a united position on all essential issues;

"(e) Ensure that the dissatisfaction of the FICSA membership with ICSC and the absence of meaningful consultation/negotiation in the common system is consistently reiterated in FICSA statements to governing or inter-agency bodies."

A final decision on FICSA's future relationship with ICSC will be taken at the 1995 FICSA Council.

5. FICSA's disillusionment with ICSC is not only shared by the Coordinating Committee for Independent Staff Unions and Associations of the United Nations System (CCISUA), its sister federation, but is also apparent in the statements of the Administrative Committee on Coordination and the Consultative Committee on Administrative Questions (CCAQ). From statements made in these bodies, it is obvious that both the administrations and staff representatives fear that the efficiency and effectiveness of the United Nations system is being jeopardized by the lack of responsiveness of ICSC to current problems. In order to avoid similar situations in the future, FICSA respectfully submits the following requests to the Fifth Committee:

(a) That the General Assembly call for the establishment of a tripartite task force consisting of representatives of Member States, administrations and staff to explore alternative mechanisms for the consideration of conditions of service in the common system for recommendation to the General Assembly, which would ensure full participation of administrations and staff;

(b) That, in the interim period, the General Assembly instruct ICSC that whenever administrations or staff federations propose a discussion of a particular issue of the agenda of an ICSC session, ICSC should review the problem in substance after full consultation with staff and administrations;

(c) That the General Assembly review its resolution 35/213 of 17 December 1980, in which it decided that, to assist its deliberations, the Fifth Committee might, if considered desirable, invite representatives of staff to present their views. While FICSA remains appreciative of the opportunity to address the Fifth Committee on behalf of staff, the Federation would request the Committee kindly to revise the text to reflect the essential role played by representatives of staff in the process of determining terms and conditions of service in the United Nations system.

6. FICSA recognizes the final authority of the General Assembly in deciding upon terms and conditions of service, but believes that recommendations emanating from a tripartite body composed of all three parties would represent a more balanced and realistic basis on which to take decisions. This and other options could be examined by the proposed task force.

II. GENERAL SERVICE SALARIES

7. Chapter V of the report of ICSC for the year 1994 (A/49/30), relating to General Service remuneration, may well prove confusing to members of the Fifth Committee. On the one hand, the Commission noted that the substance of the questions [the questions raised by FICSA] had already been exhaustively and extensively addressed in the comprehensive review (1992) (para. 207) and, on the other hand, most members believed that the Commission would need additional technical guidance (para. 203) before it could consider FICSA's paper. If the Commission was fully au fait with what it was implementing in 1992, it should not require additional technical guidance in 1994. In its document FICSA identified several inconsistencies and errors in the methodology for determining General Service salary surveys which was approved by ICSC in 1992. Despite the views of some members of the Commission that the issue should not be reviewed at its fortieth session, others found time to study the document and, as a result, requested additional technical guidance from the ICSC secretariat. It can be deduced from this that a not insubstantial number of members of the Commission were unconvinced of the validity of the 1992 revised methodology. Unfortunately, as is often the case in the Commission, the vocal minority took control of events and forced a postponement of any substantive discussion. In the meantime, staff is expected to continue with a flawed salary survey methodology, thereby building into the system errors which will be difficult, if not impossible, to remedy once they have become entrenched.

8. During its fortieth session, the Commission also reviewed preparations for the Rome salary survey. The staff representatives and the administration of the Food and Agriculture Organization of the United Nations (FAO) urged the Commission to organize the survey early in 1995 because FAO was in the process of restructuring. The revised classification of the General Service posts would have an impact on the survey results. Some members of the Commission refused to heed these arguments while others supported a postponement of the Rome survey. Once again, however, following a hasty and confused vote on the issue, the vocal minority were quicker off the mark and managed to resist a postponement. One of those members inferred that the suspension of the interim adjustment, due to Rome staff in June 1994, was the real objective in maintaining the reference date.

9. The Commission did not address the question of salary surveys which were boycotted by staff representatives. The Commission was informed by the FAO administration (in the case of Rome) and more recently by the United Nations administration (in the case of Geneva) that staff is not participating in either survey. Since the Commission has repeatedly stressed in the past that the participation of staff is crucial to the salary survey process, the FAO and United Nations administrations have questioned the validity of surveys conducted without staff participation.

10. In view of the experience gained during the fortieth session of ICSC, FICSA would appreciate it if the General Assembly could consider the following requests:

(a) To reject the decision contained in paragraph 208 (b) of the 1994 report of ICSC and instruct ICSC to undertake, during its forthcoming forty-first session, an in-depth review of the methodological flaws of the General Service headquarters and non-headquarters salary survey methodology identified by FICSA;

(b) To undertake new surveys in Paris and Montreal after the forty-first session;

(c) To instruct ICSC not to proceed with General Service salary surveys until such time as conditions are met for the full participation of staff representatives;

(d) To cancel the decision of ICSC to suspend the interim adjustment which was due for Rome in June 1994.

National Professional Officers

11. FICSA requests that all organizations making use of National Professional Offices or similar categories adopt a common grading structure, even if not all grades are used by all organizations at all duty stations. Since National Professional Officers are Professional staff, the quantification of outside benefits should include those offered to Professional staff in the private sector.

III. PROFESSIONAL SALARIES

12. In its resolution 46/191 of 20 December 1991, the General Assembly requested ICSC to complete and submit at the forty-ninth session a study leading to the identification of the highest paid national civil service. In paragraph 51 (a) of its report for 1994, the Commission proudly announced that it had made a number of decisions, although FICSA has not been able to identify any major decision regarding the review of the Noblemaire principle requested in resolution 46/191. The fact of the matter is that ICSC has blatantly failed to produce the study, thereby delaying information that is both vital and fundamental to improving the conditions of service in the Professional and higher categories despite appeals from the executive heads that they are unable to recruit and retain staff of the requisite calibre under present conditions. FICSA believes that this experience, combined with the ICSC ineptitude on the review of General Service salary survey methodology, demonstrates the inappropriateness of the Commission as the United Nations common system focal point for conditions of service.

13. The General Assembly, in resolution 46/191, also requested ICSC to monitor implementation of the Federal Employees Pay Comparability Act of 1990 (FEPCA), including the impact of its locality pay provisions in 1994. FICSA contends that the report of ICSC to the General Assembly does not provide an accurate report on the 1994 and 1995 locality pay adjustment and the Employment Cost Index (ECI) adjustment granted by the United States Congress under the FEPCA legislation. The Commission correctly states that, for 1994, ECI has not been granted. In the section dealing with FEPCA, the Commission does not refer to the 4.23 per cent locality pay adjustment granted to United States federal employees in Washington, D.C., from 1 January 1994 onwards. As far as 1995 is concerned, FICSA is aware that the Administration of President Clinton agreed to grant an ECI across-the-board increase of 2 per cent for all General Schedule employees and all special pay system employees! In addition, a substantial payroll increase of 1.24 per cent will be used for Washington, D.C., locality adjustments. On 7 November 1994, the Federal Pay Council (advisory board to the President of the United States in the Office of Personnel Management) announced that the 1995 FEPCA adjustment for Washington, D.C., will be 3.24 per cent. In 1996, the FEPCA adjustment is programmed for 6.26 per cent, yet such improvements in the comparator have been strangely absent in ICSC forecasts and/or present calculations.

14. FICSA does not believe that all the salary increases granted to United States General Schedule workers and to United States federal special pay agencies in 1995 have been fully reported by ICSC to the General Assembly. Since it is a fact that members of the ICSC secretariat regularly visit the secretariat of the Subcommittee on Compensation and Employee Benefits of the United States House of Representatives, it is difficult to comprehend why the report of ICSC is not more accurate as far as pay increases are concerned.

15. For all that the report is vague on the United States pay increases, it dedicates six pages to the local and relatively straightforward issue of the ad hoc measures for the Rome post adjustment (chap. VIII). In March 1993, six months after an abrupt devaluation of the Italian lire, ICSC introduced ad hoc measures to bring relief to staff facing unusual cuts in their take-home pay.

Eleven months later, the Chairman of the Commission suspended the special measures, despite evidence that the post adjustment had not yet recovered from the currency devaluation. The Commission is pleading for a consistent methodology ... to deal with such situations in a systematic manner (para. 390 (c)). FICSA submits to the Fifth Committee that such a methodology already exists for field duty stations. If the measures to be applied for bringing relief to field staff facing abrupt devaluations could be extended to headquarters' duty stations, there would not be a problem in Rome.

16. Another blow to the Commission's interlocutors present during the fortieth session was the unwillingness of the Commission to consider the full report of the Advisory Committee on Post Adjustment Questions (ACPAQ). The reasons given by the ICSC Chairman and one Commission member for not reviewing the report were (a) time constraints and (b) the absence of a French language version of the report. FICSA had expected that at its fortieth session ICSC would finally correct the errors made since 1990 in the computation of the pensionable element in post adjustment and would also take a decision on the reflection of housing data, car purchase and car insurance. The latter has been a major technical problem affecting the day-to-day management of the post adjustment and resulting in a loss of confidence by staff in the present methodology. In the case of Rome, for instance, no rationale was given by the Commission for suspending the special measures but it offered to undertake a place-to-place survey in September 1994 using the uncorrected, flawed methodology. The reason for utilizing the old methodology was that the Commission was unable to finalize the new methodology for place-to-place surveys and was unable to come to grips with the technical questions about external data collection at such short notice. The Commission thus decided instead to carry out the place-to-place survey as originally scheduled using the old methodology, which has been proved by ACPAQ to have serious shortcomings. It is therefore not surprising that out of the approximately 1,500 Professional staff posted in Rome, only four have participated in the September 1994 place-to-place survey!

17. FICSA therefore requests the Fifth Committee:

(a) To instruct ICSC to complete its review of the Noblemaire principle before 31 January 1995;

(b) To approve a 15 per cent across-the-board increase of Professional salaries effective from 1 January 1995 to take into account FEPCA increases reported in 1994 (4.23 per cent), 1995 (3.24 per cent) and 1996 (6.26 per cent);

(c) To instruct ICSC to share with administrations and staff representatives the results of the technical review on external housing data collection before 31 December 1994;

(d) To suspend all place-to-place surveys until the new methodology cited under subparagraph (c) has been finalized;

(e) To extend the special measures utilized for abrupt currency devaluation in the field to headquarters' duty stations.

IV. CONDITIONS OF SERVICE APPLICABLE TO BOTH CATEGORIES

Review of the level of the education grant

18. FICSA requests that the analysis of data used to review the level of the education grant be improved to reflect accurately actual expenses. The analysis is based solely on fee data and does not reflect capital assessment fees, registration fees, the cost of lunches and transportation. FICSA trusts that this issue will be addressed during the review of the education grant scheduled for 1997.

Hazard pay

19. FICSA would like to place on record its concern for field staff, particularly national staff, who appear to be more at risk than other categories of staff in a growing list of extremely hazardous duty stations. The criteria for classifying duty stations should be restated to reflect the current situation.

Security of field staff

20. FICSA has also made a number of proposals for improving the protection of field staff. Those proposals, which were submitted to the Administrative Committee on Coordination on 22 September 1994, are appended to the present document. FICSA respectfully requests the Fifth Committee to support FICSA's proposals, particularly those related to security arrangements for locally recruited staff members. With the support of the Fifth Committee, the United Nations Security Coordinator's office will be able to submit amendments to the United Nations Field Security Handbook. It is proposed that the evacuation arrangements for internationally recruited staff be extended to locally recruited staff. These amendments will, in the view of FICSA, make it possible to avoid in future tragedies such as the brutal killings of UNDP, UNICEF and UNHCR staff members in Rwanda.

21. The attention of the Fifth Committee is also drawn to paragraph 16 of the proposals, in which reference is made to the draft convention on the safety of United Nations and associated personnel. That draft convention aims to ensure better protection of peace-keeping personnel or personnel participating in operations which the Security Council or the General Assembly have determined pose exceptional risks to the safety of personnel. The draft convention has been discussed at length in the Sixth Committee of the General Assembly. Having had the benefit of a full briefing by one of the representatives, FICSA understands the problems associated with the principle of respect for the political sovereignty of Member States. FICSA hopes, however, that the convention will not result in double standards when the lives of staff are at risk. There should be no discrimination between Security Council operations staff and staff operating under other mandates in the United Nations common system.

22. FICSA requests the Fifth Committee to consider extending the protection of the above-mentioned convention to all staff members of the United Nations common system.

Taxation of staff

23. In document A/C.5/49/6 members of the Fifth Committee have inter alia received a detailed report regarding problems related to the taxation of international civil servants working at Geneva but residing in France. FICSA trusts that the Fifth Committee shares the concern of the staff and the Geneva-based organizations at the possibility that France will in 1996 impose income tax on the staff of ILO, ITU, WHO, WMO, WIPO and GATT who are employed at Geneva but are actually living in France. Since the Government of France is not considering any such taxation on staff of the United Nations Office at Geneva, it would appear that this would betray the principle of the common system and set a dangerous precedent.

24. FICSA would like the Fifth Committee to request France to reconsider its proposal.

Employment of spouses

25. FICSA would also like to bring to the attention of the Fifth Committee the outdated prohibitive rules regarding employment of spouses which are still being applied in most United Nations organizations. These restrictions not only constitute infringements on equal career opportunities for men and women but also represent a deterrent to the recruitment and retention of qualified married staff members in the specialized agencies. Joining one of the specialized agencies may, for nationals of some countries, entail a minor improvement in salary conditions for the Professional staff member, but it may also mean that a dual-income family is compelled by (a) the spouse employment restrictions in the agency and (b) the work permit restrictions in the host country to revert to single-income family status. It is well known that some host countries are more liberal with the labour situation of spouses of non-United Nations organizations, such as the future World Trade Organization, than with United Nations common system bodies.

26. FISCA requests the Fifth Committee to insist that the United Nations common system organizations lift restrictions against employment of spouses and to request host Governments to apply more flexible work permit rules.

Performance management: appraisal and recognition of performance

27. During discussion of the issue at the summer session of ICSC, FICSA fully supported the performance appraisal system designed for managers of the common system. Furthermore, the Federation felt that the system should also be applied to all staff of the system, thereby making everyone accountable for a successful implementation of organizational mandates. Leadership, team spirit and a sense of belonging would be several of the elements created by a prompt and complete implementation of the new system. The sole worry of FICSA was that individual organizations would not spend the requisite funds on training, a key element to the success of the performance appraisal system.

28. The Federation completely rejected any initiatives on the subject of performance pay. FICSA had long maintained that this type of pay system could not work in an international environment such as that of the United Nations.

Additionally, performance pay had been a miserable failure where implemented at the national civil service level.

29. FICSA is quite willing to move quickly ahead with the implementation of the performance appraisal system and then study the results after two to three years (i.e., distribution rates and improved programme implementation) before moving towards a study of a possible performance pay system.

Contractual status of field staff

30. FICSA has long been concerned at the precarious contractual status of its constituents working in the field. Although the work of organizations in the field enjoys a high degree of visibility, the staff assigned to field offices, regional offices or projects are more often or not forgotten by their respective headquarters' organizations. With few exceptions, their conditions of service, both physical and monetary, are far inferior to those of their colleagues sitting in congenial surroundings overlooking First Avenue, the Colosseum, the Danube or Lac Léman, to name a few. Staff assigned to development projects and programmes may have served for 5, 10 or 20 years within the common system, yet few enjoy the same contractual arrangements which are offered to their headquarters' colleagues. In some instances, local General Service field staff hold short-term contracts, which they sign every three months, year in, year out, sometimes for decades. The absence of any security of tenure renders it well-nigh impossible for them to obtain access to credit, and while they are in the employment of the United Nations family of organizations, they are not able to maintain ties with national social security or pension schemes.

31. In some instances, the difference in treatment between local "field" staff, and international headquarters or field staff is dramatic. Although not strictly speaking considered part of the common system, the area staff of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) have conditions of service comparable to those of other General Service staff at Vienna. There have been, however, some serious divergences recently both in the implementation of salary adjustments and, of greater consequence, in the level and scope of termination benefits provided to area staff who, as a result of the transfer of UNRWA headquarters from Vienna to the Middle East, will be released from their employment.

32. In order to avoid the creation of a second or third class of staff member within the United Nations system, FICSA would request the Fifth Committee to seek greater harmonization of employment conditions, in particular contractual arrangements, which would ensure that field staff are not at a disadvantage vis-à-vis those serving at headquarters duty stations.

Personnel policy on HIV/AIDS

33. FICSA's concerns over the past year have not focused solely on issues of remuneration as the range of issues touched on in the present document bears witness. With regard to the topic of AIDS in the workplace, the Secretary-General of the United Nations declared on World AIDS Day 1992 that the United Nations had adopted for itself a compassionate, supportive and far-sighted personnel policy on AIDS ... a model for every organization the world over. He

further stated that he regarded his staff as a family. "We will support them in this crisis", he stated, "and do all we can to retain their skills and knowledge for as long as possible".

34. Despite the excellent intentions of the Secretary-General, the implementation of this compassionate and far-sighted policy has met with resistance in certain key areas, particularly at United Nations Headquarters.

35. FICSA would appeal to Member States to ensure that all organizations and specialized agencies of the common system respect the provisions of the United Nations HIV/AIDS personnel policy, endorsed by the General Assembly.

V. DECISIONS OF ADMINISTRATIVE TRIBUNALS

36. Over the past few years there have been several instances in which executive heads have refused to execute, wholly or in part, judgements of the administrative tribunals. This has led to further litigation by appellants for execution of judgement.

37. FICSA expresses grave concern about this situation and requests the General Assembly to reiterate the legal principle that tribunal judgements must be fully implemented.

38. The General Assembly, in its resolution 48/224, noted that, while under article 20 of the rules of procedure of the United Nations Administrative Tribunal and under article 17, paragraph 1, of the Rules of Court of the Administrative Tribunal of the International Labour Organization the Chairman of the Pension Board might, on giving previous notice to the President of the Tribunal concerned, intervene in a case if it was considered that the judgement to be given by the Tribunal could affect the administration of the United Nations Joint Staff Pension Fund, there were no established mechanisms to ensure that the Pension Fund received timely notice of such cases and, furthermore, such opportunity was not provided to the International Civil Service Commission by either Tribunal. The Assembly then requested the executive heads of the organizations of the common system to consult with the Commission and the United Nations Joint Staff Pension Board regarding the methodologies, procedures and rationale used in arriving at the Commission's decisions or recommendations [on conditions of service] that are the subject of appeals before the tribunals.

39. FICSA supports the fact that, under the rules of the tribunals, the Chairman of the Pension Board can intervene in a case if it is considered that the tribunal judgement could affect the administration of the Pension Fund because the United Nations Joint Staff Pension Board is a tripartite working body that arrives at its decisions and recommendations through consensus among representatives of the governing bodies, executive heads and staff. FICSA, however, questions the appropriateness of according the right of intervention to ICSC because it is not a tripartite working body and does not make its decisions and recommendations by consensus. The Commission, in biannual sessions, makes its own recommendations and decisions be they right or wrong and is therefore wholly responsible for them.

40. At present, when a decision of the Commission contains technical flaws, the result is litigation through the tribunals. Examples of such litigation are Berlioz and others and Cussac, Moyse and Schmidt (judgements 1265 and 1266 of the Administrative Tribunal of the International Labour Organization) concerning the General Service salary scales recommended by the Commission as a result of the survey conducted at Geneva in 1990/1991. While the flaws in the methodology were indicated to the Commission when it was in session, the Commission chose to ignore the appraisal of its interlocutors and implement the survey results. Consequently, those suffering damage had no recourse other than litigation.

VI. PENSIONS

41. FICSA fully understands that as a tripartite negotiating body, the recommendations emanating from the United Nations Joint Staff Pension Board represent "packages" which will not necessarily be either fully satisfactory or totally unsatisfactory to all parties. Notwithstanding, the Federation was disappointed that the Pension Board at its forty-sixth session did not go further towards finding solutions to some of the problems facing staff pensions.

42. The outstanding issue of the pension rights of former participants in the former USSR, Ukrainian SSR and Byelorussian SSR is one instance where a speedy solution is imperative. FICSA believes that, while the Pension Board is no doubt correct in its conclusion that before meaningful progress can be achieved in resolving the problems ... the three Governments concerned must indicate clearly their readiness to respond in a meaningful manner to the claims of former participants, the Board is ignoring the human dimension of the problem. Help to the individuals concerned who are suffering severe hardship should be made available without delay through a wider and more systematic use of the Emergency Fund, which would represent a stop-gap rather than final solution.

43. With respect to the reduction of the 120 per cent cap to 110 per cent, FICSA cannot perceive the necessity for touching something which affects a small percentage of staff and of which the financial implications have been minimal.

44. Similarly, FICSA is disappointed that the Pension Board did not seek a solution to the very real problems of retirees in countries which have suffered high inflation and currency fluctuations. The critical financial situation of retirees in Argentina where retirees have lost more than 75 per cent of the purchasing power of their pensions since 1987 is an example of what can happen to retirees on the dollar track when high inflation coincides with an economic programme to maintain a constant value of the currency. Increases in salaries and pensionable remuneration during the past five years were not reflected in pensions. Despite a convincing presentation during the Pension Board session by a representative of AFICS-Buenos Aires, there was no consensus in the Pension Board to change the current pension adjustment system.

Appendix

FICSA PROPOSALS FOR IMPROVING PROTECTION OF FIELD STAFF

Presentation of the Federation of International Civil Servants' Associations to the Administrative Committee on Coordination at its second regular session of 1994 (New York, 21 and 22 September 1994)

I. BACKGROUND

1. During an ad hoc inter-agency meeting on security matters held in New York from 16 to 19 May 1994 an extensive discussion took place on the security measures needed to protect locally recruited United Nations staff in countries facing serious civil disturbances, civil war and other forms of unrest. During the meeting there was a general agreement that more could, and should, be done to avoid situations such as the April 1994 incidents involving killings of local staff in Rwanda.*

2. Since the security problems for locally-recruited staff in the field are the most contentious, with a wide range of opinions on how to deal with the matter among the administrations, this report will focus mainly on the proposals of FICSA in respect of security measures for locally recruited United Nations staff in field duty stations. The last section is dedicated to the common security problems of relevance to all categories of staff in the field.

II. SECURITY ARRANGEMENTS IN THE UNITED NATIONS FIELD SECURITY HANDBOOK

3. The United Nations Field Security Handbook, which was prepared and agreed upon during the ad hoc inter-agency meeting of June 1991 and endorsed by the Advisory Committee on Coordination at its session of October 1991, is a comprehensive document which details the procedures for all categories of staff and for most types of security risks occurring at field duty stations. FICSA recognizes that the Handbook is still the most reliable reference document although it does have some shortcomings:

(a) The Handbook makes a rather rigid distinction between United Nations staff, consultants, experts, volunteers and fellows employed or sponsored as

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* During the events taking place in Rwanda in early 1994 following the plane crash of the Rwandan President, very serious incidents affecting local staff were reported by various United Nations bodies. UNICEF and UNHCR staff members were brutally killed by rioters in front of the United Nations compound and in residences of United Nations staff. Local staff were admitted in the evacuation convoys but the trucks were stopped by uncontrolled army elements who forced them to leave the convoys. Their fate is unknown.

the case may be by the United Nations organizations (para. 13) and United Nations military and civilian personnel engaged in peace-keeping operations (para. 14). This distinction is well intended and FICSA strongly advocates that it be maintained in the interest of staff. However, since the drafting of the Handbook, the governing bodies have tended to ignore the distinction and there is increasing confusion between the political/military operations endorsed by the Security Council and other United Nations organizations involved with humanitarian operations or development assistance projects;

(b) The Handbook dedicates only one and a half pages out of a total of 79 to assistance to locally recruited staff members. This is not sufficient to treat the subject fairly and effectively.

III. CURRENT PROVISIONS OF THE HANDBOOK ON SECURITY ARRANGEMENTS FOR LOCALLY RECRUITED STAFF MEMBERS

4. While prior to 1991 there were very few instructions regarding locally recruited United Nations employees, be it expatriate local recruits or national staff recruited locally, the Handbook in its present version provides more specific instructions on how to deal with emergencies for these employees.

5. During the pre-emergency planning, the designated official has to maintain a list of locally recruited staff and their family members, establish a local warden system jointly with, or in addition to, the warden system for international staff and provide house identification with United Nations markings to staff members who request it. The Handbook also describes the continued running of the United Nations offices by local staff in the absence of international staff. As far as the emergency measures are concerned, the Handbook states that the provisions of phases 1 and 2 also apply to locally recruited staff.

6. The security arrangements for local staff during phases 3, 4 and 5 are as follows:

> "During phases 3, 4 and 5 - depending on the actual situation, and in consultation with the United Nations Security Coordinator, the designated official may exceptionally permit locally recruited staff to absent themselves from the duty station on special leave with pay or may relocate them to a safe area within the country and authorize payment of daily subsistence allowance for a period of up to 30 days. During phases 3 or 4, at the discretion of the designated official, they may be given three months' salary in advance and if necessary, a grant to cover transportation costs for themselves and their eligible family members.
>
> "All provisions within this Handbook which relate to relocation/evacuation from the host country for security reasons apply only in the most exceptional cases to locally-recruited staff members. The provisions for relocation/evacuation outside the country in which the duty station is located and relevant compensation for relocation/evacuation may be applied to locally recruited staff members in only the most exceptional cases in which their security is endangered, or their property is lost or damaged as

a direct consequence of the employment by the United Nations organizations. A decision in this regard can only be made by the Secretary-General, as recommended by the designated official."

7. From the above-quoted extract from the Handbook one can see that while there is some flexibility for relocation of local staff to a safe area within the country, the Handbook is more intransigent when it comes to relocation and evacuation to other countries, where the phrase "most exceptional cases" has been used twice. The decision-making process ("can only be made by the Secretary-General") is also highly centralized and therefore complicated.

IV. FICSA PROPOSALS RELATED TO SECURITY FOR LOCALLY RECRUITED STAFF

8. All locally recruited staff and their dependants should have United Nations identification documents which specify their employment status, the names of their eligible family members and the courtesies and protection to be offered to them as to any other United Nations officer by the Member States. There are no legal impediments to issuing these documents since locally recruited staff are considered international civil servants as defined in the United Nations Charter and are therefore subject to the same rules regarding independence of the international civil service (art. 100).

9. When phase 1 is declared, the designated official should verify that all staff and dependants have the proper identification documents.

10. The warden system in every field duty station should function as a uniform early-warning system as far as reporting and information flow is concerned. The current arrangements which recognize a separate warden system for international staff and for local staff may be correct in some duty stations from the point of view of the residence locations but are not appropriate for reliable reporting on events.

11. The decision to relocate or evacuate local staff to a country abroad should be the responsibility of the designated official, who will act after consultation with other senior United Nations Organization officials. The local United Nations or United Nations Organization heads are usually the best judges of the situation. Under the current arrangements, the decision to declare the third, fourth or fifth phase is made by the Secretary-General upon the recommendation of the designated official. The Secretary-General bases his decision on the report on the situation by the United Nations Security Coordinator, whose office is in charge of the daily monitoring of the security situation from the United Nations Headquarters and who usually relies on the reports provided by the designated official. The operational details are worked out by the designated official in cooperation with the Security Coordinator if necessary. There are no valid reasons to involve the Secretary-General with the operational details of ensuring the security of all staff under phases 3, 4 or 5. Once such a phase is indeed declared by the Secretary-General, it is up to the designated official, in consultation with the other Organization representatives, to decide which staff will be evacuated or relocated and who will eventually remain on duty as essential/skeleton staff of his/her

organization. If during Phases 3, 4 or 5 the designated official considers it crucial in his best judgement to evacuate part of, or the entire local staff and dependants, he should take the appropriate measures and inform the Security Coordinator accordingly.

12. All the organizations employing international or local staff at the duty station with fixed-term contracts should maintain a roster providing all the biographical and educational details and details regarding professional qualifications and experience. Once phase 1 is in effect the organizations concerned should automatically update this roster and share it with all United Nations system organizations and with other bilateral, multilateral agencies and non-governmental organizations, particularly humanitarian or relief agencies. Refusal to evacuate local staff has in the past often been justified on the basis that employment by the employing agency and redeployment to other employers is impossible. FICSA believes that, provided there is a genuine will to work together on an inter-agency basis and also on the assumption that there are no bureaucratic red tape practices involved from the personnel departments within the United Nations and beyond, it is possible to integrate all staff on evacuation status, both expatriate and local staff, into new assignments or to redeploy them within a reasonable amount of time. The most obvious possibility of redeployment of local staff are the relief organizations such as UNHCR, WFP, UNICEF, the Red Cross, etc.

13. All United Nations system organizations should undertake steps to include locally recruited staff under their provisions for compensation for loss of personal effects or coverage under the malicious acts insurance policy. There may be justification for proposing a different type of coverage since the personal effects may be of a different nature for expatriate and local staff.

V. FICSA PROPOSALS TO IMPROVE SECURITY MEASURES FOR ALL CATEGORIES OF STAFF

14. As already mentioned in paragraph 3 (a) above, the United Nations Field Security Handbook rightly differentiates between United Nations personnel employed at or on mission at the duty station on the one hand and military or civilian personnel assigned to United Nations peace-keeping operations who, in accordance with paragraph 14 of the Handbook, are excluded from the provisions of the Handbook. FICSA is aware of a number of complaints from civilian staff members regarding totally inappropriate or complete lack of security briefing for these staff members when they take up their assignments. Sometimes there are also serious communication gaps or conflicting instructions by civilian officers and military commanders, generally caused by inappropriate briefings on both sides. Even worse are the situations where staff is seconded from the United Nations Secretariat or from another United Nations organization to a peace-keeping operation without any proper administrative briefing. It is therefore essential that the briefing of civilian staff assigned or seconded to these peace-keeping operations be streamlined by all administrations.

15. FICSA is very concerned about the practice prevailing in some relief organizations operating in high-risk security countries (Angola and Somalia) of recruiting local armed guards to protect relief supplies and staff members. The

Office of Legal Affairs has rightly advised that such use of armed guards is contrary to United Nations policy but FICSA believes that a simple condemnation of this dubious recruitment practice is not enough. FICSA proposes to return to the United Nations policy in place in the early 1980s when staff members were not allowed to work in areas where armed guards were required to ensure safety of staff. For instance, when the host Government insisted on providing army escorts to visiting staff on mission or on assignment because of rebel activities or other possible risks, the United Nations policy in place in those days prevented any staff movements in those zones. This policy, which was very much inspired by the development mandate of the United Nations system in developing countries as opposed to the current emphasis on the United Nations as a peace broker, was built on the premise that development cannot take place in a permanently insecure environment. FICSA requests that staff assigned to programmes or specialized agencies operating under mandates not endorsed by the Security Council should not be asked to work in zones where armed guards are required to ensure their protection.

16. More needs to be done at the legal and political level of the General Assembly to ensure that host Governments do not avoid their responsibilities to guarantee basic security conditions for United Nations personnel working in their countries. In this regard, FICSA is supporting the initiative of the General Assembly to conclude a convention on the safety of United Nations personnel assigned to operations endorsed by the Security Council. The application of the convention should however be extended to all United Nations system staff, irrespective of the organization's mandate or Security Council involvement.

17. The office of the Security Coordinator should be strengthened and given more funding and staff to carry out its functions effectively. The deteriorating security situation and the expansion of United Nations activities in high-risk areas amply justify this proposal. The office should continue to operate on an inter-agency cooperative cost-sharing basis and within the United Nations it should be made a homogenous core programme.

18. Eligible dependants of staff members who are on mission outside the duty station during the occurrence of security incidents should receive the same protection as other staff members. This also applies to staff members who have recently been separated but decided to stay behind for personal reasons, such as finishing the school year of the children at the duty station.

19. The existing coverage of the malicious acts insurance policy should be extended from service-incurred to a full 24-hour coverage for all staff.